

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GARY SALERNO

Plaintiff

v.

CHAD CUNNINGHAM, et al.,

Defendants

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3:CV-11-450  
(JUDGE MARIANI)

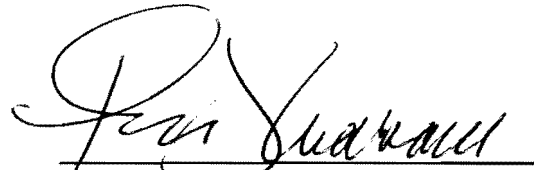
ORDER

AND NOW, THIS 12TH DAY OF NOVEMBER 2013, upon consideration of  
Defendants' Motion for Summary Judgment (Doc. 18) and all accompanying briefs, **IT IS  
HEREBY ORDERED THAT:**

1. Defendant's Motion for Summary Judgment (Doc. 18) is **GRANTED IN PART AND  
DENIED IN PART.**

- a. **JUDGMENT IS ENTERED IN FAVOR OF DEFENDANT BOGAROWSKI  
AND AGAINST PLAINTIFF** because Defendant Bogarowski did not initiate  
criminal proceedings against Plaintiff.
- b. Summary judgment is **DENIED** to Defendant Cunningham because there are  
genuine issues of material fact as to whether Defendant Cunningham had  
probable cause to arrest Plaintiff and whether Defendant Cunningham acted  
with malice.

2. The Court defers ruling on Defendant Cunningham's request for qualified immunity until the jury decides whether probable cause existed to arrest Plaintiff.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani  
United States District Judge